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**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

STEPHEN R.F. KERN, JR.,

Plaintiff(s),

v.

BRANDON MARCANO, et al.,

Defendant(s).

Case No. 2:22-cv-00539-GMN-NJK

**ORDER**

Pursuant to Federal Rules of Civil Procedure (Fed. R. Civ. P.) 16(b) and Local Rule 16-1(b), this Scheduling Order shall be issued and served by the Clerk upon the parties or their counsel, if there is counsel of record, after the first defendant answers or otherwise appears in this action. When the term “counsel” is used in this Scheduling Order, it shall include any and all parties appearing *pro se*.

**IT IS HEREBY ORDERED:**

1. Any and all pleadings that may be brought under Fed. R. Civ. P. 13 & 14, or joining additional parties under Fed. R. Civ. P. 19 & 20, shall be filed within **sixty (60) days** from the date of this Order, which is **May 30, 2023**. Any party causing additional parties to be joined or brought into this action shall contemporaneously therewith serve a copy of this Order upon the new party or parties.

2. Amendments to pleadings as provided for under Fed. R. Civ. P. 15, if the same are allowed without leave of Court, or motions for leave to amend, shall comply with Local Rule 15-1 and shall be filed and served within **sixty (60) days** from the date of this Order, which is **May 30, 2023**.

1           **3.     DISCOVERY:**

2           (a)     Pursuant to Local Rule 16-1(b), discovery in this action shall be completed  
3 on or before **ninety (90) days** from the date of this Order, which is **June 27, 2023**.

4           (b)     Pursuant to Fed. R. Civ. P. 33(a)(1), unless otherwise stipulated by the  
5 parties or ordered by the court, a party may serve on any other party no more than twenty-five (25)  
6 written interrogatories, including discreet subparts.

7           (c)     Pursuant to Fed. R. Civ. P. 5(d)(1) and Local Rule 26-7, unless otherwise  
8 ordered by the Court, written discovery, including responses thereto, certificates of service  
9 pertaining thereto and deposition transcripts, shall **not** be filed with the Court unless such  
10 discovery is submitted in support of or in response to a motion. Originals of responses to written  
11 discovery requests shall be served on the party who served the discovery request and that party  
12 shall make such originals available at the pretrial hearing, at trial, or on order of the Court.  
13 Likewise, the deposing party shall make the original transcript of a deposition available at any  
14 pretrial hearing, at trial, or on order of the Court.

15           **4.     EXTENSIONS OF DISCOVERY:** Pursuant to Local Rule 26-3, an extension of  
16 the discovery deadline will not be allowed without a showing of good cause. All motions or  
17 stipulations to extend discovery shall be received by the Court at least **twenty-one (21) days** prior  
18 to the expiration of the subject deadline. The motion or stipulation shall include:

19           (a)     A statement specifying the discovery completed by the parties as of the date  
20 of the motion or stipulation;

21           (b)     A specific description of the discovery which remains to be completed;

22           (c)     The reasons why such remaining discovery was not completed within the  
23 time limit of the existing discovery deadline; and

24           (d)     A proposed schedule for the completion of all remaining discovery.

25           **5.     DISCOVERY MOTIONS:**

26           (a)     Discovery motions shall be filed and served no later than **one hundred four**  
27 **(104) days** from the date of this Order, which is **July 11, 2023**.

(b) Prior to filing a discovery motion, the parties must first undertake a good faith effort to resolve any dispute among the parties. The parties are further advised that:

(i) Fed. R. Civ. P. 37(a)(1) mandates that motions to compel “must include a certification that the movant has in good faith conferred or attempted to confer with the person or party failing to make disclosure or discovery in an effort to obtain it without court order”;

(ii) Fed. R. Civ. P. 26(c)(1) mandates that motions for protective order “must include a certification that the movant has in good faith conferred or attempted to confer with other affected parties in an effort to resolve the dispute without court action”;

(iii) Local Rule 26-6(c) states that a discovery motion “will not be considered unless the movant (1) has made a good faith effort to meet and confer as defined by LR IA 1-3(f) before filing the motion, and (2) includes a declaration setting forth the details and results of the meet-and-confer conference about each disputed request.”

These rules apply to any inmate civil right action brought under 42 U.S.C. § 1983. While the court recognizes an inmate might not be able to meet personally with opposing counsel, nevertheless an inmate will still be required to attempt to resolve any discovery dispute either by a telephone consultation or a written communication whereby the inmate sincerely attempted to resolve the discovery dispute.

(c) Text of Discovery Materials in Dispute

Local Rule 26-7(b) requires that all motions to compel discovery or for protective order shall set forth in full the text of the discovery originally sought and the responses thereto, if any. The court prefers that the actual discovery response which is the subject of a discovery dispute be submitted to the court.

6. Motions for summary judgment shall comply with the requirements of Local Rule 56-1 and shall be filed and served no later than **thirty (30) days after the close of discovery, i.e., by July 27, 2023.**

7. No motion filed beyond the time limit fixed by this Scheduling Order shall be considered by the Court unless the Court grants an exception for good cause shown.

10           10. Any party who seeks to amend this Scheduling Order shall file and serve a motion,  
11 not later than **twenty-one (21) days** prior to the deadline for which the party seeks amendment,  
12 stating the proposed amendments and the reasons therefor.

14 Dated: March 29, 2023

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